



The East Punjab Conservation of Firewood Supplies Act, 1949

Act 2 of 1949

Keyword(s):

Firewood, Dealer, Factory, Kiln

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**THE EAST PUNJAB CONSERVATION OF FIRE-
WOOD SUPPLIES ACT, 1949**

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¹THE EAST PUNJAB CONSERVATION OF FIREWOOD SUPPLIES ACT, 1949.

EAST PUNJAB ACT NO. 2 OF 1949.

[Received the assent of His Excellency the Governor on the 21st March, 1949, and first published in the East Punjab Government Gazette (extraordinary) of March 25, 1949).

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1949	2	The East Punjab Conservation of firewood Supplies Act, 1949	Amended in part by the Adaptation of Laws Order, 1950 Amended in part by the Adaptation of Laws (Third Amendment) Order, 1951 Extended to Pepsu Territory by Punjab Act 5 of 1957. ³

An Act for the Conservation of Firewood Supplies in ³[Punjab].

It is hereby enacted as follows :—

1. (1) This Act may be called the East Punjab Conservation of Firewood Supplies Act, 1949.

Short title and extent.

(2) It extends to the whole of the ⁴[State] of ⁵[Punjab].

¹For Statement of Objects and Reasons, see *East Punjab Government Gazette* (Extraordinary), 1949, page 41 ; for proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, volume III, 1949, pages 621—30.

²For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1957, page 339.

³Substituted for the words "East Punjab" by the Adaptation of Laws (Third Amendment) Order, 1951.

⁴Substituted for the word "Province" by the Adaptation of Laws Order, 1950.

⁵Substituted for the words "East Punjab" by Adaptation of Laws Order, 1950.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context ,—

- (a) 'Firewood' means any kind of wood used for burning, and includes charcoal, saw-dust, charcoal dust, brushwood, wooden chips or shavings; but does not include timber classified as such and owned or sold as such by any Department of the ¹[State] Government ;
- (b) 'Dealer' means any person who deals in firewood or holds stocks of firewood for sale and includes his representative or agent ;
- (c) 'Factory' means a factory as defined in section 2 (m) of the Factories Act, 1948 ; and ^{LXI of 1948.}
- (d) 'Kiln' means a structure used for firing bricks.

Powers to control supply, distribution or use of firewood.

3. The ¹[State] Government, so far as it appears to it to be necessary or expedient for conserving or maintaining supplies or for securing their equitable distribution and availability at fair prices, may by notified order provide in regard to firewood :—

- (a) for regulating by licenses, permits or otherwise the use, storage, distribution, import, transport, acquisition, disposal and consumption of firewood including its acquisition and consumption in kilns and factories;
- (b) for regulating by licences, permits or otherwise the manufacture of charcoal;
- (c) for controlling the prices at which firewood may be bought or sold by dealers;
- (d) for requiring any dealer holding stocks of firewood to sell the whole or specified part of the stock at such prices and to such persons or class of persons or in such circumstances as may be specified in the order;

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

- (e) for collecting any information or statistics with a view to the regulating of the aforesaid matters ;
- (f) for requiring dealers or factory and kiln owners, to maintain and produce for inspection such accounts and records regarding firewood and to furnish such information relating thereto, as may be specified in the order ;
- (g) for any incidental and supplementary matters including in particular the entering and search of premises, vehicles, boats, the seizure by a person authorised to make such search of the firewood in respect of which such person has reason to believe that contravention of any order made under this Act has been, is being or is about to be committed, the grant or issue of licences, permits or other documents, and the charging of fees therefor.

4. The ¹[State] Government may, by order notified in the Government Gazette, direct that the power to make orders under section 3 shall, in relation to such matter and subject to such conditions, if any as may be specified in the order, be exercisable also by such officer or authority subordinate to the ¹[State] Government as may be specified in the order. Delegation of powers.

5. Any order made under section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act. Effect of orders inconsistent with other enactments.

6. If any person contravenes any order made under section 3 he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both, and if the order so provides, any court trying such contravention may direct that any property in respect of which the court is satisfied that the order has been contravened shall be forfeited to the ¹[State] Government. Penalties.

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Attempts and
abetments.

7. Any person who attempts to contravene or abets a contravention of any order under section 3 shall be deemed to have contravened that order.

Offences by corpo-
rations.

8. If the person contravening an order made under section 3 is a company or other body corporate, every Director, Manager, Secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge and that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

False statements.

9. If any person—

(i) when required by any order made under section 3 to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or

(ii) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish ;

he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Cognizance of
offences.

10. An offence committed under this Act shall be cognizable.

Power to try
offences sum-
marily.

11. Any Magistrate or Bench of Magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of Section 260 of the Code of Criminal Procedure, 1898, may, on application in this behalf being made by the prosecution try in accordance with the provisions contained in Sections 262 to 265 of the said Code any offence punishable under this Act.

V of
1898.

Presumption as to
orders.

12. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any court.

¹ of
1872. (2) Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act a court shall, within the meaning of the Indian Evidence Act, 1872, presume that such order was so made by the authority.

13. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under section 3. Protection of action
taken under the
Act.

(2) No suit or other legal proceeding shall lie against the ¹[Government] for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

14. The East Punjab Conservation of Firewood Supplies Ordinance is hereby repealed; but all orders already passed under the said Ordinance shall be deemed to have been passed under this Act. Repeal of East
Punjab Ordinance
No. XXVI of
1948.

¹Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.